

Serial No. 10/689,826  
Docket No. 26503.0800

### **REMARKS**

Applicants reply to the Final Office Action dated April 27, 2006 within two months. Thus, Applicants request an Advisory Action, if necessary. In the Office Action, the Examiner rejected claims 1, 2, 6, 7, 12 and 13 pending in the application. Claims 1, 2, 6, 7, 12, and 13 (2 independent claims; 6 total claims) remain pending in the application. Applicants request reconsideration in view of the following remarks.

### **TELEPHONIC INTERVIEW**

Applicants thank the Examiner for the telephone interview of June 26, 2006 during which the Office Action, the cited references, and proposed amendments to the claims were discussed in detail. Specifically, the Examiner and Applicants' representative discussed differences between the Reydel reference and the claimed invention.

### **Claim Rejections**

#### **35 U.S.C. § 103**

Claims 1, 2, 6, 7, 12, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Reydel et al., U.S. Patent Application Publication No. US 2001/0044595 A1 ("Reydel") in view of Blake, U.S. Patent No. 6,280,449, issued August 28, 2001 ("Blake"). Applicants respectfully traverse this rejection and provide the following arguments in support.

Reydel provides for an apparatus that reduces "friction of a medical device being introduced into a bodily passage." (paragraph 0048) When a device such as a stent is introduced into a bodily passage, the Reydel apparatus includes a sleeve that "protects the lining of the bodily passage from the friction that would result from the advancing stent." (paragraph 0049) As discussed with the Examiner, in contrast to the present invention, the Reydel apparatus uses a non-passive or active delivery as a "pusher catheter" is used to deliver the stent by maintaining "a force against the proximal end of the stent that assists in placement of the stent at the desired location." This is in contrast to the passive delivery of the present invention that utilizes a "membrane sheath" to advance the medical device that is being delivered.

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Blake provides for a sleeve that is used to facilitate introducing an implant into the body, however, the Blake sleeve is not sued to carry the implant into the body. Rather, a pusher element is used to push the implant through the sleeve and into the body, while the sleeve remains stationary.

In contrast to both Reydel and Black, independent claims 1 and 12 provide for a passive delivery of a medical device as claims 1 and 12 recite "the medical device is advanced distally by the membrane sheath as the second end of the membrane sheath is drawn proximally over the second open end of the tube." As discussed above, neither Reydel nor Blake teach or suggest such an element. Thus, even if Reydel and Blake were combined, the combination would not result in the invention of independent claims 1 and 12.

Dependent claims 2, 6, 7 and 13 variously depend from independent claims 1 and 12, so dependent claims 2, 6, 7 and 13 are differentiated from the cited references for at least the same reasons as above, as well as in view of their own respective features. Accordingly, Applicants respectfully request reconsideration and the withdrawal of the Section 103 rejections with respect to claims 1, 2, 6, 7, 12, and 13.

### CONCLUSION

In view of the foregoing, Applicants respectfully submit that all of the pending claims fully comply with 35 U.S.C §112 and are allowable over the cited references. Reconsideration of the application is respectfully requested. Should the Examiner wish to discuss any of the above in greater detail, then the Examiner is invited to contact the undersigned at the Examiner's convenience.

Respectfully submitted,

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